

III. REMARKS

Claims 1-29 are pending in this application. By this amendment, claims 1-5, 8-10, 13-17 and 20-23 have been amended. Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 1-6, 8-10, 12-17, 19-23, and 25 are rejected under 35 U.S.C. §102(e) as being anticipated by Kitaoka *et al.* (U.S. Patent No. 6,425,889), hereafter "Kitaoka." Claims 7, 11, 18, and 24 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kitaoka. This rejection is respectfully traversed for the reasons stated below.

A. REJECTION OF CLAIMS 1-6, 8-10, 12-17, 19-23, AND 25 UNDER 35 U.S.C. § 102(b)

With regard to the 35 U.S.C. §102(b) rejection over Kitaoka, Applicants assert that Kitaoka does not teach each and every feature of the claimed invention. For example, Kitaoka fails to disclose, *inter alia*, a bumper extending to transversely opposite side edges along a longitudinally outer edge of at least one of the front portion and the rear portion. The Kitaoka foamed member "...lies on an upper portion of the core..." of the diaper. Col 2, line 57-58. However, as shown in FIG. 1 and FIG. 4, the core of the Kitaoka diaper does not extend to the longitudinally outer edge of the diaper and also does not extend to transversely opposite side edges of the diaper. This is further borne out in the Kitaoka specification, where the liquid-resistant sheet, not the foamed member containing core, is described as extending to the

longitudinally outer edge of the diaper. Col. 2, line 48-52, 58. Furthermore, the liquid-resistant sheet is specified as "...having a width larger than a width of the core..." and extending to the opposite side edges, i.e. the entire width of the diaper. Col. 2, line 47-52. Therefore, because the core of the Kitaoka diaper does not extend either the length or width of the diaper, the foamed member of Kitaoka, which lies on the core, cannot be located at the top portion of the diaper or extend along the entire edge of the diaper. Nowhere does Kitaoka disclose a bumper extending to transversely opposite side edges along a longitudinally outer edge of at least one of the front portion and the rear portion. In contrast, the present invention includes "...a bumper extending to transversely opposite side edges along a longitudinally outer edge of at least one of the front portion and the rear portion." Claim 1. As such, the bumper as included in the current invention is both wider than and further toward the edge of the diaper than the Kitaoka foamed member. For the above stated reasons, the foamed member as taught in Kitaoka is not equivalent to the bumper as included in the present invention. Accordingly, Applicants request that the rejection be withdrawn.

With further respect to independent claims 8 and 20 and dependent claim 2, Kitaoka does not disclose, *inter alia*, a front guard extending vertically from a waist area to a middle chest area of a user. The three main parts of the Kitaoka diaper are the front waist region, the rear waist region, and the crotch region. Col. 2, line 43-44. The description of the front part of the diaper as being the front waist region indicates that the Kitaoka diaper is designed to be worn at or about the waist of the user and that all portions of the Kitaoka diaper are at or below the waist of the wearer. Nowhere does Kitaoka teach a front guard extending vertically from the waist area to the middle chest area of a user. In contrast, the claimed invention includes "...a front guard

extending vertically from a waist area to a middle chest area of a user." As such, the front guard as included in the claimed invention is not at or below the waist of the wearer as are the parts of the Kitaoka diaper, but rather extends vertically from a waist area to a middle chest area of a user. For the above reasons, the parts of the Kitaoka diaper that are at or below the waist of the user are not equivalent to the front guard extending vertically from a waist area to a middle front area of a user as included in the present invention. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

With still further respect to independent claims 8 and 14 and dependent claim 3, Kitaoka does not disclose, *inter alia*, a back guard extending vertically from a waist area to a middle back area of a user. As stated above, the three main parts of the Kitaoka diaper are the front waist region, the rear waist region, and the crotch region. Col. 2, line 43-44. The description of the rear part of the diaper as the rear waist region indicates that the Kitaoka diaper is designed to be worn at or about the waist of the user and that all portions of the Kitaoka diaper are at or below the waist of the wearer. Nowhere does Kitaoka teach a back guard extending vertically from the waist area to the middle back area of a user. The claimed invention, in contrast, includes "...a back guard extending vertically from a waist area to a middle back area of a user." Claim 8. As such, the back guard as included in the claimed invention is not at or below the waist of the wearer as are the parts of the Kitaoka diaper, but rather extends vertically from a waist area to a middle back area of a user. For the above reasons, the parts of the Kitaoka diaper that are at or below the waist of the user are not equivalent to the back guard extending vertically from a waist area to a middle back area of a user as included in the present invention. Accordingly, Applicants request that the Office's rejection be withdrawn.

With regard to the Office's other arguments regarding dependent claims, Applicants herein incorporate the arguments presented above with respect to independent claims listed above. In addition, Applicants submit that all dependent claims are allowable based on their own distinct features. However, for brevity, Applicants will forego addressing each of these rejections individually, but reserve the right to do so should it become necessary. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

B. REJECTION OF CLAIMS 7, 11, 18 and 24 UNDER 35 U.S.C. § 103(a)

In the Office Action, claims 7, 11, 18 and 24 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kitaoka. Applicants herein incorporate the arguments presented above with respect to independent claims 1, 8, 14 and 20 from which claims 7, 11, 18 and 24 depend. In particular, since Kitaoka does not teach all the claim limitations of claims 1, 8, 14 and 20, Kitaoka also fails to teach all the limitations of the dependent claims 7, 11, 18 and 24. As a result, Applicants respectfully request withdrawal of this rejection.

IV. CONCLUSION

In light of the above, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,



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